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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,643	09/18/2001	Saul R. Dooley	GB 000134	7484
24737	7590	04/15/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	5
DATE MAILED: 04/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/954,643	DOOLEY ET AL.
	Examiner	Art Unit
	Melur Ramakrishnaiah	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,12,13,15,19 and 21 is/are rejected.
- 7) Claim(s) 2-11,14,16-18,20 and 22-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 12, 13, 15, 19, 21, are rejected under 35 U.S.C 102(e) as being anticipated by Martini et al. (US PAT: 6,675,015, filed 9-15-1999, hereinafter Martini).

Regarding claim 1, Martini discloses a communication system comprising first and second beacon devices (18/24, fig. 1) and at least one portable device (12, fig. 1) each capable of wireless message transmission and reception (col. 4 lines 58-67, col. 5 lines 1-22), wherein the at least one portable device is arranged to broadcast an inquiry message according to a first communication protocol and transmit a reply making available to one of the second beacon (18, fig. 1) and the portable device (12, fig. 1) and address or identifier for the other, and wherein the second beacon and portable device are configured to perform service interaction when triggered by making available

of the address or identifier (col. 5 line 55 to col. 6 line 58, col. 7 line 44 to col. 8 line 14).

Regarding claim 21, Martini discloses a method for enabling the user of a portable communications device to perform a service interaction with a beacon device (18, fig. 1) in an environment containing at least first and second beacon devices (18/24, fig. 1) capable of wireless message transmission and reception, wherein the portable communications device broadcast an enquiry message according a first communications protocol, the first beacon device detects such an enquiry message and transmits a reply making available to one of the portable device and second beacon device an address or identifier for the other, and the second beacon (18, fig. 2) and portable device perform the service interaction when triggered by making available of the address or identifier (col. 5 line 55 to col. 6 line 58, col. 7 line 44 to col. 8 line 14).

Regarding claims 12, 13, 15, 19, Martini further teaches the following: first communication protocol comprises Bluetooth messaging (col. 4 lines 60-62), transmitter in (12, fig. 1) operable to transmit the inquiry message, data processing means controlling the operation of the same, and receiver capable of receiving at least part of the reply, the data processing means supporting service interaction via transmitter and receiver, infrastructure comprising first and second beacon devices (18/24, fig. 1), the beacon devices being capable of wireless message transmission to, and reception from, the at least one portable device (12, fig. 1), wherein first beacon is arranged to listen for broadcast of an inquiry message according to a first communication protocol, on detection of such an inquiry message to transmit a reply making available to one of the

beacon and the portable device an address or identifier for the other, and wherein the second beacon is configured to perform a service interaction with the portable device when triggered by the making available of the address or identifier (col. 5 line 55 to col. 6 line 58, col. 7 line 44 to col. 8 line 14), plurality of beacons (18, 22, 24, fig. 1).

3. Claims 2-11, 14, 16-18, 20, 22-27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643